

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6740 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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DINBANDHU CO.OP.HSG. SOCIETY LTD.

Versus

STATE OF GUJARAT

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Appearance:

MR DAXESH T DAVE for Petitioner  
MR VM PANCHOLI, ADDL.GOVERNMENT PLEADER  
for Respondent Nos. 1 & 2

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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 07/07/1999

ORAL JUDGEMENT

Heard Mr. Daxesh T. Dave, learned counsel for  
the petitioner and Mr. V.M.Pancholi, learned AGP for the  
respondents.

2. The petitioner has challenged the notice issued  
by the competent authority for taking over possession of  
the land declared excess put under the provisions of the

Urban Land (Celing & Regulation) Act, 1976. This court, while admitting this petition, granted ad-interim relief restraining the respondents from implementing the impugned notice. The authorities have not taken possession of the land in question from the petitioner, which fact is not in dispute in view of the instructions received by the learned AGP from Mr. L.N.Vyas, Deputy Mamlatdar, in the office of respondent No. 2.

3. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the notice impugned in the present petition does not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

Date: 7/7/1999 -----  
(ccshah)